

FANTASTIC SAMS FRANCHISE CORP.,)
Plaintiff,)
)
v.) Civil Action No.
) 11-11485-NMG
FSRO ASSOCIATION, LTD., ET AL.,)
Defendants.)
)

GORTON, J.


At the hearing, Plaintiff asserted for the first time that Defendant lacked standing to bring claims on behalf of 14 of its members whose contracts do not define the term "regional licensee" to include "any person or entity claiming by or through" a regional licensee. Defendant responded that it does not rely on that contractual provision for standing to commence arbitration proceedings on behalf of those regional owners but instead relies on the common law.

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September 30, 2011, a memorandum of law, not to exceed five pages, expounding their respective positions regarding Defendant's standing to commence arbitration proceedings on behalf of either group of regional owners.

The Court is aware of the intervening deadline for selecting an arbitrator and directs the parties to comply with that deadline with the understanding that they do so without prejudice to their rights or this Court's resolution of the pending motion.

So ordered.



Nathaniel M. Gorton
United States District Judge

Dated September 23, 2011